

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 20-12607
Terence Poulton	:	Chapter 13
Shannon Poulton	:	Judge Magdeline D. Coleman
	:	*****
	:	*
	:	
Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto	:	Date and Time of Hearing
	:	Place of Hearing
	:	January 5, 2021 at 10:30 a.m.
	:	
vs	:	U.S. Bankruptcy Court
	:	900 Market Street, Courtroom #2
Terence Poulton	:	Philadelphia, PA, 19107
Shannon Poulton	:	
	:	
WILLIAM C. MILLER, Esq.		
Respondents.		

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR
RELIEF FROM THE AUTOMATIC STAY REGARDING THE PERSONAL
PROPERTY KNOWN AS 2014 HYUNDAI TUCSON, VIN KM8JUCAG7EU911508**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On August 8, 2015, Terence M Poulton (the "Debtor") obtained a loan from Wells Fargo Dealer Services in the amount of \$21,101.88 for the purchase of a 2014 Hyundai Tucson, VIN KM8JUCAG7EU911508 ("Collateral"). Debtor agreed to make periodic payments to Wells Fargo Dealer Services. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Commonwealth of Pennsylvania Certificate of Title for a Vehicle (the "Title") to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about August 13, 2015, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Title along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the Title is attached hereto as Exhibit B.
7. Creditor believes the clean retail value of the Collateral to be \$12,400.00 based upon the NADA Used Cars/Trucks guide dated November 13, 2020, a copy of which is attached hereto as Exhibit C.
8. On June 11, 2020, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
9. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle and make monthly post-petition payments directly to the Creditor.

10. As of November 13, 2020, there is currently due and owing on the Contract the outstanding principal balance of \$7,467.52. This amount is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$7,467.52
Interest	\$73.44
Escrow advance	\$0.00
Late charges	\$56.30
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$7,597.26	

11. The loan was charged off on April 21, 2020.
12. Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto believes and therefore avers that Debtor has inconsequential equity in the Collateral. Based upon the market conditions and after the costs of sale, there will be little to no equity in the Collateral. Based upon the lack of equity in the Collateral, Creditor asserts that it is burdensome and/or of inconsequential value and benefit to the estate.
13. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
14. Creditor is entitled to relief from the automatic stay for the following reason(s):
- Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due. As of November 13, 2020, Debtor has failed to make post-petition payments since June 22, 2020, with arrears in the amount of \$1,829.95.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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Terence Poulton	:	Chapter 13
Shannon Poulton	:	Judge Magdeline D. Coleman
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Wells Fargo Bank, N.A., d/b/a Wells	:	Date and Time of Hearing
Fargo Auto	:	Place of Hearing
	:	January 5, 2021 at 10:30 a.m.
Movant,	:	
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	:	
WILLIAM C. MILLER, Esq.		
Respondents.		

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto for Relief from the Automatic Stay regarding the Personal Property known as 2014 Hyundai Tucson, VIN KM8JUCAG7EU911508 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

WILLIAM C. MILLER, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Terence Poulton and Shannon Poulton, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on December 10, 2020:

Terence Poulton and Shannon Poulton, 860 Weber Drive, Yardley, PA 19067

DATE: December 10, 2020

/s/ Karina Velter

Karina Velter, Esquire (94781)
Adam B. Hall (323867)
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Attorneys for Creditor
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